IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 4710 of 1997

Between:

Mr. Kothuru Srirama Murthy, S/o. Tirupathiah,
R/o. Amensahebpalem, Nadendla Mandal,
Guntur District.

..... PETITIONER

AND

1. The District Collector,

   GUNTUR.

2. The Revenue Divisional Officer-cum-Land Acquisition officer,
   Narasaraopet,

Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of *Writ of Mandamus* declaring the Notices issued U/sec- 9 and 10 of Land Acquisition Act, in Rc. No.1083/94-C, dt. 2.6.97, as illegal, arbitrary and opposed to the Principles of Natural Justice.

Counsel for the Petitioner: MR.S.VENKATESWARA RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

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Heard the counsel on record.

2. This writ petition is filed for issue of a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the notices issued under Sections 9 and 10 of Land Acquisition Act, in Rc.No.1083/94-C, dated 2.6.1997, as illegal, arbitrary and opposed to the Principles of Natural Justice.

3. Section 4 (1) notification was issued on 31.08.1994 and Section 6 declaration was put on 01.01.1995. It is stated that W.P.No.2961 of 1996 was filed and this court by order dated 19.02.1996, made the following order:

> "The learned Counsel for the petitioners pointed out that Sec.5(a) notice itself states that the six declaration has been made already. After hearing the learned Government Pleader, I am satisfied that obviously this is contrary to the statute, the petitioners are entitled to adequate opportunity of being heard in the enquiry under Section 5(a) before a declaration under Section-6. I, therefore, deem it fit to direct the respondent to hold enquiry under Section 5(a) after giving adequate opportunity to the petitioners and proceed with the matter. Meanwhile, the petitioners shall not be disposed. With this directions, the writ petition is disposed of."

4. It is also stated that a representation was made to the respondents on 19.03.1996 and objections were called for on 22.07.1996 and objections were filed on 02.09.1996 and the copy of the objections also had been filed before this Court.

5. The main grievance ventilated by the government representing the petitioner is that the impugned notice had been issued without considering the objections, which had been raised, and this would amount for non-compliance with the directions already issued in W.P.No.2961 of 1996.

6. In the light of the facts and circumstances, the non-consideration of the objections would definitely amount to non-compliance of the directions issued

by this Court in W.P.No.2961 of 1996 and the same cannot said to be in accordance with law and further proceed with the matter.

7. As per the directions already issued in W.P.No.2961 of 1996, the writ petition is disposed of accordingly. No costs.

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(P.S.NARAYANA,J)

Date: 26.11.2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector,

   GUNTUR.
2. The Revenue Divisional Officer-cum-Land Acquisition officer,
   Narasaraopet,

Guntur District.

3. Two C. Cs to G.P. for Land Acquisition, High Court Buildings,

Hyderabad (OUT).

4. Two C.D. copies